

LAW OFFICE OF

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MEMO ENDORSED

\*PLEASE NOTE NEW OFFICE ADDRESS

ADMITTED TO  
NY, NJ & CT BARS

March 18, 2008

Hon. Colleen Mc Mahon *By Fax (212) 805-6326*  
United States District Judge  
United States Court House  
500 Pearl Street, Room 640  
New York, New York 10007

RE: SPOLLEN V. GUARDIAN LIFE, 08 CV 305 (CM)

Dear Judge Mc Mahon:


I represent the plaintiff in the above referenced matter. This letter is being submitted jointly with defense counsel Robert Meade of the firm Bleakley Platt & Schmidt, LLP.

Last week, we had a telephone conference with Magistrate Eaton wherein we believe that a possible settlement has been reached. As Mr. Meade's attached letter dated March 14, 2008 sets forth, Guardian will have Dr. Ramon Valderamma conduct a physical examination of the insured/patient, Mr. Jaroslawicz to assess his condition.

The parties, and Mr. Jaroslawicz have consented to Mr. Jaroslawicz being examined by Dr. Valderamma who previously examined him on behalf of Guardian several years ago in connection with his Guillain Barre disease. We are optimistic that such an examination will resolve this action and subsequent medical claims.

Accordingly, we request a 60-day order of temporary discontinuance during which time the examination may be conducted and the results reported to Guardian for their consideration.

Respectfully submitted,

  
Elizabeth Eilender  
Enc.

cc: Magistrate Eaton *Fax (212) 805-6181* & Robert D. Meade, Esq. *Fax (914) 683-6956*

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*[Handwritten signature]*

*What is this?*

*What do you want?  
to discontinue  
w/o prejudice?*

*Colleen Mc Mahon*  
3/19/08

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March 14, 2008

**By Email**

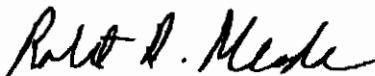
Elizabeth Eilender, Esq.  
225 Broadway, 24<sup>th</sup> Floor  
New York, NY 10007

**Re: *Spollen v. Guardian Life***

Dear Ms. Eilender:

This is to confirm that Guardian will contact Dr. Ramon Valderrama upon his return to his office and request the earliest possible appointment for the examination of Mr. Jaroslawicz. This is also to confirm that the 60-day order of temporary discontinuance is agreed to by the parties for the purpose of facilitating the attempt to resolve this action and the subsequent medical claims through this examination.

Very truly yours,



ROBERT D. MEADE

RDM:sam